

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

DARLENE GIBBS, STEPHANIE
EDWARDS, LULA WILLIAMS,
PATRICK INSCHO, and LAWRENCE
MWETHUKU, on behalf of themselves and
all individuals similarly situated,

Plaintiffs,

V.

MIKE STINSON; 7HBF NO. 2, LTD.; and
SEQUOIA CAPITAL OPERATIONS,
LLC,

Defendants.

Civil Action No. 3:18-CV-00676-MHL

DECLARATION OF TODD R. GEREMIA

I, TODD R. GEREMIA, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner in the law firm Jones Day, counsel for Defendant Sequoia Capital Operations, LLC (“Sequoia”) in this matter. I submit this declaration to put before the Court documents that are referred to in Sequoia’s motion to stay this action pending arbitration, pursuant to 9 U.S.C. § 3, and its alternative motion to dismiss this action.

2. As the Complaint in this action alleges, Plaintiffs have filed four other actions in this Court against the same alleged RICO “enterprise,” seeking redress for the same injuries, in connection with the same consumer loans at issue in this action. *See* ECF No. 1, Compl. ¶ 1. In this action, Plaintiffs did not attach copies of the lending agreements at issue to their Complaint. In the first of the five actions that they filed in this Court, however, Plaintiffs attached to their Complaint what they alleged were exemplary copies of the challenged loan agreements: one from Plain Green, LLC and the other from Great Plains, LLC. *See* ECF Nos. 1-3, 1-4, *Gibbs v.*

Rees, No. 3:17-cv-386-MHL (E.D. Va.) (filed May 19, 2017). In opposing defendants' motion to compel arbitration in *Gibbs v. Rees*, Plaintiffs also acknowledged that the copies of their loan agreements attached to the Declaration of Stephen Smith (ECF No. 17-1, *Gibbs v. Rees*, No. 3:17-cv-386-MHL (E.D. Va.) (filed Aug. 7, 2017)) were authentic, and Plaintiffs did not contradict any of the statements in Mr. Smith's Declaration. *See* ECF No. 61, *Plaintiffs' Opposition to Defendants' Motion to Compel Arbitration, Gibbs v. Rees*, No. 3:17-cv-386-MHL (E.D. Va.) (filed Sept. 11, 2017).

3. For the Court's convenience, Sequoia attaches as Exhibit A to this Declaration the Declaration of Stephen Smith as filed in *Gibbs v. Rees* and the exhibits attached to it. Sequoia references these documents in its motion for a stay pending arbitration and its alternative motion to dismiss this action.

4. I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York, on January 10, 2019.

A handwritten signature in dark ink, reading "Todd R. Geremia". The signature is written in a cursive, slightly stylized font. The first name "Todd" is written with a large, sweeping initial 'T'. The last name "Geremia" is written in a more compact, cursive style.

TODD R. GEREMIA

CERTIFICATE OF SERVICE

I certify that on January 11, 2019, a copy of the foregoing was filed with the Clerk of the Court via the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ William V. O'Reilly

William V. O'Reilly (VSB No. 26249)

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